

ESTTA Tracking number: **ESTTA647567**

Filing date: **12/30/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | |
|---------------------------------------|---|
| Name | LESAFFRE ET COMPAGNIE |
| Granted to Date of previous extension | 12/31/2014 |
| Address | 41, rue Etienne Marcel Paris, 75001 FRANCE |
| Attorney information | Joseph D. Lewis Barnes & Thornburg LLP 1717 Pennsylvania Ave NW STE 500 Washington, DC 20006 UNITED STATES jdlewis@btlaw.com, docketingtm-dc@btlaw.com Phone: 2022891313 |

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 86280747 | Publication date | 09/02/2014 |
| Opposition Filing Date | 12/30/2014 | Opposition Period Ends | 12/31/2014 |
| Applicant | Danstar Ferment AG Bahnhofstrasse 7 Zug, 6301 SWITZERLAND | | |

Goods/Services Affected by Opposition

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|---|
| Class 030. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: brewers' yeast |
|---|

Grounds for Opposition

| | |
|--------------------------------|-------------------------------|
| The mark is merely descriptive | Trademark Act section 2(e)(1) |
| Genericness | Trademark Act section 23 |

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|-------------|---|
| Attachments | ABBAYE - Notice of Opposition - 2014-12-30.pdf(157733 bytes) |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|-----------------|
| Signature | /JDL/ |
| Name | Joseph D. Lewis |
| Date | 12/30/2014 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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| | | |
|-------------------------------|---|-----------------------|
| Lesaffre et Compagnie, |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No.: _____ |
| |) | |
| Danstar Ferment AG, |) | Serial No. 86/280,747 |
| |) | |
| Applicant. |) | |
| _____ |) | |

NOTICE OF OPPOSITION

Lesaffre et Compagnie, believes that it will be damaged by registration of the trademark ABBAYE for “brewers’ yeast” (the “Applicant’s goods”) as specified in Application Serial No. 86/270,747 (the “Opposed Mark”), and hereby opposes said application.

As grounds for the opposition, Opposer alleges:

1. Opposer, Lesaffre et Compagnie, is a corporation of France (sometimes referred to herein as “Lesaffre”).
2. Lesaffre is a manufacturer and supplier of a wide range of yeast-related products, including brewer’s yeast.
3. Upon information and belief, Applicant, Danstar Ferment AG, is a corporation of Switzerland, with an address at Bahnhofstrasse 7, Zug 6301, Switzerland (sometimes referred to herein as “Danstar”).

4. Upon information and belief, neither Applicant, nor any predecessor in interest, used the Opposed Mark in commerce prior to January 1, 2014.

5. Upon information and belief, neither Applicant, nor any predecessor in interest, used the Opposed Mark in commerce prior to January 1, 2013.

6. Upon information and belief, neither Applicant, nor any predecessor in interest, used the Opposed Mark in commerce prior to January 1, 2012.

7. Applicant's goods are promoted by Applicant as an ale yeast of Belgian origin selected for its ability to produce great Belgian style beers.

8. Applicant's goods are promoted by Applicant for use in brewing beer.

9. Applicant's goods are promoted by Applicant as being manufactured with propagation and drying processes which have been specifically designed to deliver high quality beer yeast that can be used simply and reliably to help produce ales of the finest quality.

10. An English language translation of the word "ABBAYE" is "Abbey."

11. The Applicant's goods are marketed for use in brewing Abbey beer.


12. The word "ABBAYE" conveys and describes a quality, characteristic, or feature of the Applicant's goods.

13. The Applicant's mark, when used on or in connection with the goods of the Applicant, is merely descriptive of them.

WHEREFORE, Opposer prays that the Opposition will be sustained and that the application for registration of the Opposed Mark will be refused.

Respectfully submitted,

Lesaffre et Compagnie

By: 
Joseph D. Lewis
BARNES & THORNBURG LLP
1717 Pennsylvania Ave, N.W., Suite 500
Washington, D.C. 20006
(202) 289-1313

Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition was served on the correspondent for Applicant, Peter Nils Baylor, Esq., at his address of record, Nutter, McClennen & Fish, LLP, 155 Seaport Boulevard, Boston, Massachusetts 02210-2698, by first class mail, postage prepaid, on the 30th day of December 2014.


Joseph D. Lewis